

Weekly Federal Register Summary

Week of 10/26/2003

Prepared By
Naval Facilities Engineering Service Center
Code 42

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Introduction

About the Report:

This weekly federal regulatory summary contains summaries of Federal Register notices and other information and is provided as a service of Naval Facilities Engineering Service Center, Port Hueneme, CA for various Navy and Marine Corps environmental personnel. Content is screened to include environmental and health/safety items specifically relevant to the Navy/Marine Corps or of broad general relevance to DOD.

Meetings -

Meeting cancellations and date changes appear only in the Upcoming Meetings section; they are not re-entered in the Summary of Issues.

Subscription:

Interested DOD personnel may receive a free weekly e-mail of this report. To subscribe or unsubscribe, log on to <http://regscreen.nfesc.navy.mil/htm/Subscribe.htm>. Contractors can be added to distribution if endorsed by their DOD contract representative via e-mail to us at regdesk@nfesc.navy.mil. Include the DOD representative's name, e-mail, phone number, job title, command, and address and your e-mail, phone number, company, and contractual responsibility area. If you have problems, or need assistance please contact us at regdesk@nfesc.navy.mil or 805/982-1276.

Web Database:

A companion website is available at <http://regscreen.nfesc.navy.mil> (access limited to .mil domains) where you can find and retrieve items from past issues of the Weekly Regulatory Summary, or get an overview of upcoming regulations.

Feedback:

We have made every effort to ensure that the information provided is accurate and that all significant regulatory actions have been included. If you believe that an important issue has been omitted from this report or that the information is incorrect, please contact us at 805/982-1276 or 805/982-2640, or via e-mail at regdesk@nfesc.navy.mil. Suggestions for improvement are also appreciated.

If you have specific concerns or would like to provide information to support Navy/DOD impacts from identified issues, please forward an e-mail detailing your comments. Please include the title and date of the issue. We may be contacted at: regdesk@nfesc.navy.mil or call 805/982-1276.

Summary of Issues

1. CAA

PSD and NSR Routine Maintenance, Repair and Replacement Exclusion	Date: 10/27/2003
Action Type: Final Rule	Cite: 68 FR 61247
Summary: EPA has formally published the final rule changes addressing routine maintenance, repair and replacement under Prevention of Significant Deterioration and New Source Review programs. Under this rule, an equipment replacement activity automatically will be excluded from NSR requirements if: <ul style="list-style-type: none">- it involves replacement of any existing component(s) of a process unit with an identical or functionally equivalent component(s);- the fixed capital cost of the replaced component, plus the costs of any repair and maintenance activities that are part of the replacement activity (such as labor, contract services, major equipment rental, etc.), does not exceed 20 percent of the replacement value of the entire process unit;- the replacement(s) does not change the basic design parameters of the process unit; and- the replacement(s) does not cause the unit to exceed any emissions limits. Under this rule, an equipment replacement activity automatically will be excluded from NSR requirements if: <ul style="list-style-type: none">- it involves replacement of any existing component(s) of a process unit with an identical or functionally equivalent component(s);- the fixed capital cost of the replaced component, plus the costs of any repair and maintenance activities that are part of the replacement activity (such as labor, contract services, major equipment rental, etc.), does not exceed 20 percent of the replacement value of the entire process unit;- the replacement(s) does not change the basic design parameters of the process unit; and- the replacement(s) does not cause the unit to exceed any emissions limits. In a related action, the California Legislature has adopted legislation (SB 288) which would codify the federal new source review program as it existed on December 30, 2002 into state regulations. The California legislation is available at: http://info.sen.ca.gov/pub/bill/sen/sb_0251-0300/sb_288_bill_20030922_chaptered.html Also, a coalition of 12 states, the District of Columbia and local governments sued to overturn the regulatory change. A copy of the litigation is available at: http://www.oag.state.ny.us/press/2003/oct/rmrr_rule_petition_for_review.pdf	
Potential Impact or Relevance: Potential interest to Title V permitted facilities that are considering minor modifications to permitted sources.	CFR References: 40 CFR 51 40 CFR 52
Further Information: Dave Svendsgaard, Information Transfer and Program Integration Division, EPA, Research Triangle Park, NC, 919-541-2380, svendsgaard.dave@epa.gov .	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26320.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-26320.pdf	

2. *CBR and Security*

Chemical Weapons: Better Management Tools Needed to Guide DOD's Stockpile Destruction Program		Date: 10/30/2003
Action Type: GAO Report		Cite: GAO-04-221T
Summary: GAO has published testimony to a subcommittee of the House Armed Services Committee reviewing the management of DOD's chemical stockpile destruction program. GAO credits the program with improving emergency preparedness in communities near the sites. Generally however, GAO criticizes the program's management structure as too complex with unclear lines of authority, and indicates that the chemical demilitarization effort will not meet scheduled milestones.		
Potential Impact or Relevance: Provided for information only.		CFR References:
Further Information: Henry L. Hinton, Jr., (202) 512-4300, hintonh@gao.gov		
Full Text Document Location: http://www.gao.gov/new.items/d04221t.pdf		

3. *Climate Change And Energy*

Fuel Economy Guide; 2004		Date: 10/23/2003																								
Action Type: Notice		Cite: DOE/EE-0283																								
Summary: DOE and EPA have released the 2004 Fuel Economy Guide. The guide includes fuel economy estimates for gasoline and diesel vehicles as well as alternative fuel vehicles such as hybrid-electric, ethanol flexible-fuel, compressed natural gas, propane, and hydrogen fuel cell vehicles. Fuel economy (combined highway and city) ranges within vehicle classes are as follows: <table><tr><td>Subcompact Cars</td><td>13 to 41 mpg</td></tr><tr><td>Compact Cars</td><td>15 to 48 mpg</td></tr><tr><td>Midsize Cars</td><td>12 to 55 mpg</td></tr><tr><td>Large Cars</td><td>12 to 25 mpg</td></tr><tr><td>Small Station Wagons</td><td>16 to 41 mpg</td></tr><tr><td>Midsize Station Wagons</td><td>18 to 29 mpg</td></tr><tr><td>Minivans</td><td>18 to 22 mpg</td></tr><tr><td>Passanger Vans</td><td>15 to 17 mpg</td></tr><tr><td>Cargo Vans</td><td>15 to 18 mpg</td></tr><tr><td>Sport Utility Vehicles</td><td>12 to 24 mpg</td></tr><tr><td>Small Pickup Trucks</td><td>17 mpg</td></tr><tr><td>Standard Pickup Trucks</td><td>11 to 26 mpg</td></tr></table> The guide is available online at: http://www.fueleconomy.gov/ .			Subcompact Cars	13 to 41 mpg	Compact Cars	15 to 48 mpg	Midsize Cars	12 to 55 mpg	Large Cars	12 to 25 mpg	Small Station Wagons	16 to 41 mpg	Midsize Station Wagons	18 to 29 mpg	Minivans	18 to 22 mpg	Passanger Vans	15 to 17 mpg	Cargo Vans	15 to 18 mpg	Sport Utility Vehicles	12 to 24 mpg	Small Pickup Trucks	17 mpg	Standard Pickup Trucks	11 to 26 mpg
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Standard Pickup Trucks	11 to 26 mpg																									
Potential Impact or Relevance: Potential interest to vehicle fleet managers.		CFR References:																								
Further Information: No contact information provided.																										
Full Text Document Location: http://www.fueleconomy.gov/feg/feg2000.htm																										

4. **Hazardous Material Transportation**

Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage	Date: 10/30/2003
Action Type: Final Rule	Cite: 68 FR 61905
<p>Summary: DOT, RSPA has issued a final rule clarifying the applicability of the hazardous materials regulations to hazardous materials loading and unloading operations and storage of hazardous materials during transportation. The regulation expands the regulated portion of hazardous materials management to include certain pre- and post- transportation operations. This final rule amends the hazardous materials regulations to:</p> <ul style="list-style-type: none"> - Add definitions for: <ul style="list-style-type: none"> - pre-transportation function - transportation - movement - loading incidental to movement - unloading incidental to movement - storage incidental to movement - amend 49 CFR 171.1 to list regulated and non-regulated functions. - amend 49 CFR 171.1 to indicate that facilities at which functions are performed in accordance with the hazardous material regulations may also be subject to applicable standards and regulations of other Federal agencies or to applicable state or local government laws and regulations 	
Potential Impact or Relevance: Potential interest to facilities that ship hazardous materials.	CFR References: 49 CFR 171
Further Information: Susan Gorsky, DOT, RSPA, Office of Hazardous Materials Standards (202) 366-8553	49 CFR 173 49 CFR 174
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/30oct20030800/edocket.access.gpo.gov/2003/03-27057.htm http://a257.g.akamaitech.net/7/257/2422/30oct20030800/edocket.access.gpo.gov/2003/pdf/03-27057.pdf	

5. *Natural and Cultural Resources*

Interagency Management for Endangered Species Affecting Training Ranges -GAO Report	Date: 10/29/2003
Action Type: GAO Report	Cite: GAO-03-976
Summary: GAO has released a report addressing a need for increased interagency coordination in regional management of endangered species affecting military training ranges. GAO indicates that federal agencies have made little progress in implementing various agreements for cooperative management in this area and notes that "federal agencies cannot easily share information - such as best practices and land management plans - because there is no centralized source for this information." GAO recommended that the Secretaries of Defense, the Interior, and Agriculture develop and implement an interagency strategy, a comprehensive training program, and a centralized data source for cooperative management efforts. GAO also proposed that Congress consider requiring the agencies to jointly report annually on their efforts to manage cooperatively for endangered species affecting military training ranges. DOD generally concurred with GAO and recommended modeling the coordination effort after the existing Interagency Military Land Use Coordination Committee. DOD also proposed that DENIX could potentially serve to implement the centralized information management needs in this area.	
Potential Impact or Relevance: Potential relevance to natural resource managers and to NEPA program personnel.	CFR References:
Further Information: Barry W. Holman, (202) 512-8412, holmanb@gao.gov	
Full Text Document Location: http://www.gao.gov/new.items/d03976.pdf	

6. NEPA

Public Meeting on the Draft EIE for a Tertiary Treatment Plant at Marine Corps Base Camp Pendleton, CA	Date: 10/31/2003
Action Type: Meeting Announcement	Cite: 68 FR 62059
Summary: The Navy has prepared a Draft EIS for construction and operation of a tertiary treatment plant and associated facilities at Marine Corps Base Camp Pendleton, CA. Potentially significant but mitigable impacts associated with the proposed action and alternatives have been identified for biological, cultural, and water resources. The Navy will conduct a public meeting November 13, 2003 in Oceanside, CA to receive comments related to the Draft EIS.	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Lisa Seneca, Southwest Division, Naval Facilities Engineering Command, San Diego, CA, 619-532- 4744	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-27411.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-27411.pdf	

7. NEPA

NEPA Task Force Report - Eastern Regional Roundtable Meeting		Date: 10/27/2003
Action Type: Meeting Announcement		Cite: 68 FR 61213
Summary: The Council on Environmental Quality NEPA Task Force will host an Eastern Regional Roundtable meeting November 13 and 14, 2003 in Conshohocken, PA. CEQ will be holding a series of regional public roundtables to raise public awareness of the NEPA Task Force draft recommendations and discuss the recommendations and their implementation.		
The task force published a report September 24, 2003: "The Task Force Report to the Council on Environmental Quality-- Modernizing NEPA Implementation." The report recommends that CEQ should:		
<ul style="list-style-type: none">- Promote the development and use, and coordinate sharing of NEPA information systems by sponsoring meetings, conferences, and workshops.- Ensure that NEPA-net accommodates and responds to developing information technologies.- Develop guidance to clarify the appropriate role of communication and information dissemination technologies during the NEPA process to enhance public involvement techniques.- Establish a NEPA technical working group to coordinate with interagency groups.- Ensure that NEPA-process information requirements are addressed when protocols and standards about data, information management, modeling tools, and information security are developed;- Increase awareness of NEPA-process information technology developments throughout the NEPA community.- Facilitate identification and use of information resources developed according to established standards.- Lead a review by the agencies of their quality control and assurance standards for NEPA analyses and documentation to ensure conformance with CEQ regulatory requirements and Federal requirements such as Section 515 of the Information Quality Act.- Contact agencies and organizations that have experience working with sensitive information to establish a work group to develop and promote consistent policies for sensitive information in the NEPA process.		
The report is available at: http://ceq.eh.doe.gov/ntf/ .		
Potential Impact or Relevance: Provided for information only.		CFR References:
Further Information: No contact information provided.		
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26973.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-26973.pdf		

8. RCRA

RCRA Burden Reduction Initiative		Date: 10/29/2003
Action Type: Notice and Request for Comments		Cite: 68 FR 61662
Summary: EPA is requesting additional comment on ideas for reducing the recordkeeping and reporting burden imposed on the states, the public, and the regulated community under RCRA Subtitle C hazardous waste regulations. The notice includes ideas gathered during a previous public comment period (January 2002). Suggested changes are related to: <ul style="list-style-type: none">- Small Quantity Generator Tanks and Tank Ancillary Equipment Inspection Frequencies- Further Reduced Inspection Frequencies for Performance Track Facilities- RCRA/OSHA Overlap in Emergency Response Training- Professional Certifications- General Facility Standards- Groundwater Monitoring Requirements- Military Munitions- Permit Modifications Comments are due December 15, 2003.		
Potential Impact or Relevance: Potential impact on facilities that generate or manage hazardous waste. Action appears to be entirely deregulatory in nature		CFR References:
Further Information: Robert Burchard, EPA, Office of Solid Waste, Washington, DC, (703) 308-8450, burchard.robert@epa.gov .		
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-27270.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-27270.pdf		

9. RCRA

Definition of Solid Waste - Exemption for Recycled Materials	Date: 10/28/2003
Action Type: NPRM	Cite: 68 FR 61557
Summary: In response to court decisions, EPA is proposing to exempt certain recyclable hazardous secondary materials from regulation as hazardous waste, by making changes to the definition of solid waste. As currently proposed, the exemption would be limited to materials recycled in a continuous process within the industry type where they were generated. The proposal would allow materials to be shipped to different locations for recovery and reuse, provided they remain within the same industry type, as defined by NAICS Industry groups at the 4-digit NAICS level of classification. EPA has listed the specific Four-digit NAICS codes they will allow under the exemption, which include government programs for: 9281 (National Security and International Affairs), 9271 (Space Research and Technology), and 9261 (Administration of Economic Programs) (including energy). More information on NAICS codes is available at http://www.census.gov/epcd/naics02/naicod02.htm . Materials that are inherently wastelike, or used in a manner constituting disposal, or are burned for energy recovery would not be eligible. EPA is also considering and requests comments on whether to expand the proposed exemption from RCRA regulation to cover all legitimately recycled materials without imposing the condition that the recycling occur within the generating industry group. Comments are due January 26, 2004.	
Potential Impact or Relevance: Potentially could open additional avenues for recovery and recycling of materials within industry groups.	CFR References: 40 CFR 260 40 CFR 261
Further Information: Dave Fagan, EPA, (703) 308-0603, fagan.david@epa.gov	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26754.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-26754.pdf	

10. Site Remediation

Characteristics of Spilled Oils, Fuels, and Petroleum Products - EPA Report	Date: 10/29/2003
Action Type: Notice	Cite: EPA Recent Additions
Summary: EPA has released a report characterizing the typical properties of various crude oils and refined products (EPA/600/R-03/072 - Characteristics of Spilled Oils, and Petroleum Products 1. Composition and Properties of Selected Oils). The data presented in this report characterize oil composition by several approaches, and provide physical transport properties at corresponding levels of weathering and temperature. EPA believes that these data should be useful both for modeling and to provide a resource for the oil spill response community as a whole. Refined products characterized are: - Fuel Oil No. 2/Diesel - Fuel Oil No. 5 ("Bunker B") - Heavy Fuel Oil 6303 ("Bunker C"). Properties measured include both physical and chemical: - flash point - boiling point distribution - viscosity - density - surface tension - sulfur content - BTEX - trace metals	
Potential Impact or Relevance: Potentiall useful information to personnel responsible for site remediation and responding to oil spills to water.	CFR References:
Further Information: No contact information provided.	
Full Text Document Location: http://www.epa.gov/athens/publications/reports/EPA-600-R03-072-OilComposition.pdf	

Upcoming Meetings

General

National Pollution Prevention and Toxics Advisory Committee

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26053.htm>

Location	Start Date	Start Time	Duration	Details
Arlington, VA	11/4/2003	1:30 PM	1 1/2 Days	

EPA's Draft Report on the Environment, 2003

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26052.htm>

Location	Start Date	Start Time	Duration	Details
Chicago, IL	11/6/2003	9:00 AM	1 Day	
Atlanta, GA	11/13/2003	9:00 AM	1 Day	
San Francisco, CA	11/18/2003	9:00 AM	1 Day	
Seattle, WA	11/20/2003	9:00 AM	1 Day	
Dallas, TX	12/12/2003	9:00 AM	1 Day	

CAA

Clean Air Scientific Advisory Committee Particulate Matter Review Panel

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26664.htm>

Location	Start Date	Start Time	Duration	Details
Research Triangle Park, NC	11/12/2003	8:30 AM	2 Days	

Hazardous Material Transportation

Transport of Radioactive Material

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25895.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	11/5/2003	9:30 AM	1/2 Day	

Pipeline Safety: Gas and Hazardous Liquid Stress Corrosion Cracking Workshop

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25894.htm>

Location	Start Date	Start Time	Duration	Details
Houston, TX	12/2/2003	8:00 AM	1 Day	

Natural and Cultural Resources

Aquatic Nuisance Species Task Force Meeting

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25647.htm>

Location	Start Date	Start Time	Duration	Details
Arlington, VA	11/4/2003	8:00 AM	2 Days	

Standards for Living Organisms in Ship's Ballast Water Discharged in U.S. Waters

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25188.htm>

Location	Start Date	Start Time	Duration	Details
Norfolk, VA	11/3/2003	12:00 PM	1 Day	
Washington, DC	11/7/2003	11:00 AM	1 Day	

NEPA

San Jacinto River and Upper Santa Margarita River Watersheds, Riverside County, CA - Draft EIS for a Special Area Management Plan

Full Text

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr26de02-47

Location	Start Date	Start Time	Duration	Details
Hemet, CA	11/23/2003	6:30 PM	1/2 Day	

Public Meeting on the Draft EIE for a Tertiary Treatment Plant at Marine Corps Base Camp Pendleton, CA

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-27411.htm>

Location	Start Date	Start Time	Duration	Details
Oceanside, CA	11/13/2003	6:00 PM	1 Day	

NEPA Task Force Report - Eastern Regional Roundtable Meeting

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26973.htm>

Location	Start Date	Start Time	Duration	Details
Conshohocken, PA	11/13/2003	9:00 AM	2 Days	

OSHA

Safety Standards for Cranes and Derricks

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26300.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	11/5/2003	8:30 AM	3 Days	

OSHA

Study of Lung Cancer and Diesel Exhaust Among Non-metal Miners

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25233.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	11/5/2003	9:00 AM	1 Day	

SDWA

Meeting of the Drinking Water Contaminant Candidate List Classification Process Work Group of The National Drinking Water Advisory Council

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-5910.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	11/13/2003	9:00 AM	2 Days	